

# **EXHIBIT D**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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EDDYSTONE RAIL COMPANY, LLC,  
Plaintiff/Counter-defendant,

v.

No. 2:17-cv-00495-RK

JULIO RIOS, JEREMY GAMBOA,  
BRIDGER LOGISTICS, LLC,  
FERRELLGAS PARTNERS, L.P.,  
FERRELLGAS, L.P., *et al.*,  
Defendants,

BRIDGER LOGISTICS, LLC,  
FERRELLGAS PARTNERS, L.P., and  
FERRELLGAS, L.P.,  
Defendants/Counterclaimants.

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**DECLARATION OF LAWRENCE J. FOX, ESQ.**

I, Lawrence J. Fox, pursuant to 28 U.S.C. § 1746, hereby state and declare:

1. I am over the age of 18 and competent to testify as to the matters set forth herein.
2. I have personal knowledge of the matters set forth herein and, if called upon to do so, I could and would testify competently thereto under oath.

**Background**

3. Currently, I am a Visiting Lecturer in Law and the Crawford Lecturer at Yale Law School, teaching legal ethics and professional responsibility. I am also the Supervising Lawyer of the Ethics Bureau at Yale ("EBaY"), a clinic comprising sixteen Yale Law students. EBaY drafts amicus briefs in matters involving lawyer and judicial professional responsibility, aids defense counsel in ineffective assistance of counsel claims that implicate professional responsibility issues, and provides assistance and counseling on a pro bono basis to non-profit legal service providers, courts, and law schools.

4. I am also a partner at Schoeman Updike Kaufman & Gerber LLP. I formerly served as the managing partner of Drinker Biddle & Reath LLP, a general practice law firm of approximately 650 lawyers with its principal office in Philadelphia and branch offices in New Jersey, New York, California, Delaware, the District of Columbia, Illinois, and Wisconsin.

5. I have regularly been consulted and testified about the ethics and professional responsibility of lawyers in various proceedings in both state and federal courts throughout the United States. I have spent my entire career as a trial lawyer, first at Community Action for Legal Services in New York City and, from 1972 until 2017, at Drinker Biddle & Reath LLP. I specialize in the representation of and consultation with lawyers regarding their professional responsibilities.

6. I was a lecturer on law at Harvard Law School, teaching legal ethics and professional responsibility from 2007 through 2010. I was the I. Grant Irey, Jr. Adjunct Professor of Law at the University of Pennsylvania Law School from 2000 through 2008, teaching the same topic. I have lectured on legal ethics at more than 35 law schools throughout the country, have been a visiting professor at Cornell University Law School, and was the Robert Anderson Fellow at the Yale Law School in 1997. I have also lectured abroad on legal ethics and professional responsibility.

7. I have produced and participated in more than 350 continuing legal education seminars, and I have written extensively in the professional responsibility field. I am the author of *Legal Tender: A Lawyer's Guide to Professional Dilemmas* (American Bar Association 1995); co-author (with Professor Susan Martyn) of *Traversing the Ethical Minefield* (Aspen 1st ed. 2004; 2d ed. 2008; 3d ed. 2012), a casebook on professional responsibility; *Red Flags: Legal Ethics for Lawyers* (ALI-ABA, 1st ed. 2005, 2d ed. 2010, Supplement 2009); and *Your Lawyer, A User's Guide* (LexisNexis 2006); co-author (with Professors Susan Martyn and W. Bradley

Wendel) of *The Law Governing Lawyers: National Rules, Standards, Statutes, and State Lawyer Codes* (Aspen 2006-2007 ed., 2007-2008 ed., 2008-2009 ed., 2009-2010 ed., 2010-2011 ed., 2011-2012 ed., 2012-2013 ed., 2013-2014 ed., 2014-2015 ed., 2015-2016 ed.); co-author (with Professor Susan Martyn) of *The Ethics of Representing Organizations: Legal Fictions for Clients* (Oxford University Press 2009); and author of almost 100 articles on legal ethics and related topics and several book chapters. I am the editor and contributing author of *Raise the Bar: Real World Solutions for a Troubled Profession* (2007) and *Ethics Centennial* (2009), both published by the American Bar Association (“ABA”).

8. I am a former member and Chair of the ABA Standing Committee on Ethics and Professional Responsibility and a former Chair of the ABA Section of Litigation, the largest section of the ABA representing almost 60,000 trial lawyers. I was an advisor to the American Law Institute’s 12-year project, The Restatement of the Law Governing Lawyers. I am a Fellow of the American College of Trial Lawyers, and I was the founder and a member of Ethics 2000, the ABA Commission established to rewrite the Model Rules of Professional Conduct. Currently, I am also a member of the Board of the Connecticut Bar Foundation.

9. My résumé, including my publications, is attached here as Exhibit A.

### **Introduction**

10. I was asked to review the Motion to Disqualify Plaintiff’s Counsel and the opposition brief filed by Steptoe and Johnson, along with declarations filed with both briefs, and render an opinion about Steptoe’s position that it is appropriate for a lawyer who receives inadvertently produced privileged materials to continue to review such materials to assess and possibly challenge the assertion of privileged. My opinion is set forth below.

11. Any analysis of the problems raised by the above-captioned case must take into account the historical background on which this issue became so important. It was not until the

late 1930s that the availability of discovery in litigation was broadened considerably to require the parties to engage in wholesale production to the other side of documents that were relevant or likely to give rise to discoverable information. A new world was born in which each party to a lawsuit had a broad affirmative duty to produce what would often turn out as technology moves forward to be thousands, if not multiple thousands of documents, likely to lead to the discovery of admissible information.

12. This new era prompted revolutionary change, change that resulted from the invention of the Xerox machine. Document production became a wholesale affair. With clients producing and gathering hundreds, or even thousands of documents that were responsive to the new scope of discovery and whose proliferation increased the number of documents required to be produced by a factor of ten, or even a hundred as dozens of copies of key documents may have been sent to multiple parties each of which had to be produced because of annotations or notes that rendered one document a dozen different versions.

13. Another technological breakthrough only compounded the discovery issues raised by modern technology. With the development of desktop computers, storage of documents in the millions and email that with a touch of a button would send multiple variations of documents to hundreds or thousands who could then resend even more copies to individuals whether they were key recipients or simply accidental custodians of discoverable material. A document, for example, that is for the chief executive officer on an “eyes only” basis, either because of negligence or a failure to appreciate the significance of such documents, was likely to end up being produced even though privileged or otherwise confidential, simply because the wrong button was pushed.

14. It was a major case involving asbestos liability that focused the attention of the bar on this problem. The defendant’s counsel on that case had commissioned a profile of jurors

that would be sympathetic to the defendant's jury selection protocol. That memorandum was sent to all lawyers representing the defendant's manufacturers. But it was also unintentionally sent to the lead lawyer to the plaintiffs, giving rise to the critical question whether the production of that document by defense counsel was a waiver of the work product protection permitting plaintiffs to conduct *voir dire*, knowing what defendant's strategy was while defendants were blissfully unaware of the accidental production.

15. The response of the American Bar Association Standing Committee on Ethics and Professional Responsibility was a significant discussion, a discussion that reflected the state of law at that time governing the "errant fax." Was the sender entitled to know that the fax had been mis-sent to the plaintiffs? Did that obligation fall to the plaintiffs' lawyers? Was the defense at least entitled to know that as juror selection progressed, the plaintiff would be relying on the same report as the defendants had commissioned? After much discussion, the ABA Standing Committee issued Formal Ethics Opinion 92-362 (1992) for which I was the author of the very first draft. In it, the ABA committee opined that the recipient of the inadvertent fax in this case—the juror profile—had an obligation to inform the other side, making it clear that the transmission of the document was accidental and the recipient should abide by instructions it received from the accidental sender.

16. That formulation was adopted by a number of states, many of which continue to follow the formal ABA opinion to this day. Nonetheless, the ABA House of Delegates, in lieu of that opinion, adopted an amendment to Rule 4.4 of the Model Rules of Professional Conduct. This Rule requires notification of the sender but does not necessarily require the return of the document. It is this version of Rule 4.4 which remains in effect, including the notification requirement permitting the sender to take steps to have the errant communication protected from disclosure.

**Rule 4.4**

17. Rule 4.4 today contains the language adopted by the ABA House of Delegates, to wit: “a lawyer who receives a document relating to the representation of the lawyer’s client and knows or reasonably should know that the document was inadvertently sent should promptly notify the sender.” The rule is silent on the question of what additional steps the recipient lawyer is required to take. This is because by simply requiring notification to the sender, the sender can then decide whether to seek return of the document or otherwise proceed to protect the client from any damage caused by the improperly sent information. If the sending of the document was inadvertent, the lawyer who received it must either return it or establish an independent basis for which the recipient can claim some entitlement to review and use the document.

18. When it comes to this juncture in the proceeding where a mis-sent document is in the possession of the adverse party, both the rules of professional conduct and the rules of civil procedure, in Rule 26(b)(5)(B), provide the fair way out of this conundrum. The sender can assert the reasons why the inadvertent sharing of this document could not possibly waive the privilege, which can only be waived with the informed consent of the owner of the document unless the jurisprudence of the jurisdiction dictates that the circumstances of the misdirection of the documents themselves constitutes the waiver of privilege. In addition, the recipient of the document now must obtain an order from the court establishing either a proper waiver or some other special circumstance that would justify remaining in possession of the privileged document despite the fact that it was in the possession of an unintended recipient.

19. But one thing is clear, the receiving lawyer is not permitted to simply claim dominion over the documents without establishing a ground therefore. And that ground cannot be simply a blanket waiver of privilege by accidental key punching. Rather the sender must establish with the court some special exception that would give rise to that entitlement. Failure

to do so is at the receiving lawyer's risk. Sanctions, including disqualification, would be appropriate, depending on the scope of the transgression.

20. It is precisely at this point that Steptoe and Johnson goes too far in its assertion of domain over these documents. Without consulting Court or adversary, Steptoe proceeded to review the documents without regard to the privilege that attached to all or most of them. Such self-help destroyed the careful balance that Rule 4.4 and the Federal Rules of Civil Procedure, Rule 26 (b)(5)(B), have established, demonstrating pure disdain for the present civilized order that has been established to avoid the rules of the jungle, treating the rules as merely hortatory and not applying to the law firm. But the only way this works is if, as lawyers, everyone follows the proper procedure.

21. Steptoe argues that it proceeded in this way to determine whether the privileged documents were, in fact, entitled to be treated as privileged, and not for any other purpose. But the clear result of this approach is to give Steptoe access to every attorney-client privileged document. One can easily understand that such a process results in wholesale disclosure of privileged information, thereby destroying that which must be protected. Nonetheless, Steptoe argues there is nothing to worry about because their lawyers will only review the documents for privilege. Nowhere does Steptoe explain how this is possible. How does a lawyer review an allegedly privileged document without learning its substantive content? How does the lawyer forget what he or she saw? How can any information be flushed from the reviewing lawyer's mind once it has been read?

22. Any review of these documents for privilege necessarily exposes the contents of these documents to the adverse lawyers, securing entitlement to them when questions still remain and should remain until the court decides whether Steptoe has established entitlement to the errant documentation.



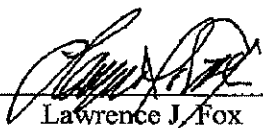
23. As a result of the foregoing, Steptoe and Johnson transgressed twice: first, when it originally reviewed the documents it received and realized that it now possessed privileged documents; and then now, when it tells the court that it may review the documents, but only for privilege purposes.

**Conclusion**

24. The attorney-client privilege could not be more important to the healthy operation of our system of litigation. It permits lawyers and their clients to carry on candid conversations of the most sensitive nature in order to facilitate their protection. It is for this reason that courts have embraced privilege law to permit the protection of documents if in fact the documents have been stored correctly. Nor is it hard to see how destructive or damaging what Steptoe is recommending. The Steptoe solution results not in the preservation of the privilege, but its destruction.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 4, 2018, at New Haven, Connecticut.

  
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Lawrence J. Fox

## **Exhibit A to Fox Declaration**

### **LAWRENCE J. FOX**

Schoeman Updike Kaufman & Gerber LLP  
551 Fifth Avenue, 12<sup>th</sup> Floor  
New York, NY 10176

Partner, Schoeman Updike Kaufman & Gerber LLP; George W. & Sadella D. Crawford  
Visiting Lecturer in Law; Yale Law School.

### **Teaching**

- Lecturer on Ethics at Moscow State University, Moscow, Russia, April-May 2014
- George W. and Sadella D. Crawford Visiting Lecturer in Law, Yale Law School, 2009-present
- Supervising Lawyer at the Ethics Bureau at Yale Law School 2011-present
- Lecturer on Law, Harvard Law School, 2007-2010
- I. Grant Irey, Jr., Adjunct Professor, University of Pennsylvania Law School, Fall 2000-2008
- Visiting Professor, Cornell Law School, Fall 1999
- Instructor, 1986-1992, University of Pennsylvania Law School, The Legal Profession and Professional Responsibility
- Lectures at the law schools of Case Western Reserve University, Cornell University, Dickinson – Penn State, Duke University, Emory University, Fordham University, George Washington University, Georgetown University, Hofstra University, Mercer University, Northwestern University, Rutgers University (Camden), Seton Hall University, South Texas University, St. Johns University, Stetson University, Temple University, The College of William & Mary, Tulane University, University of Arizona, University of Chicago, University of Georgia, University of Houston, University of Miami, University of Minnesota, University of South Carolina, University of Toledo, University of Virginia, Villanova University, Wayne State University, William Mitchell College of Law, Yale University

### **Professional Organizations**

- Member, ABA House of Delegates, 1998-2001; 2002-present
- Member, ABA Commission on the Evaluation of the Rules of Professional Conduct (Ethics 2000) 1997-2002
- Chair, ABA Post Conviction Death Penalty Representation Project 1996-2004
- Chair, Section Officers Conference, American Bar Association 1996-1998
- Chair, ABA Standing Committee on Ethics and Professional Responsibility 1996-1997; Member, 1991-1996
- Chair, ABA Litigation Section, 1995-96
- Chair, ABA Day in Washington 1997-2001
- Member, ABA Law Firm Pro Bono Advisory Committee, 1997-2000
- Chair, National Conference on Professional Responsibility, 1996, 1997, 1998
- Member, Executive Committee of the Section Officers Conference, 1994-1996
- Member, ABA Center for Professional Responsibility Publications Board, 1994-1996; 2005-present

- Member, ABA Working Group on Lawyers Representation of Regulated Clients, 1992-1994
- Member, ABA Business Section Task Force on Joint and Several Liability Under Rule 10b-5, 1992-1997
- Member, ABA Task Force on Judicial Removal - 1992-1994
- Member, Council, Section of Litigation, American Bar Association 1983-1991; 1992-1999; 2002-present
- Chair, Section of Litigation Fall Meeting 1990
- Budget Officer, Section of Litigation, American Bar Association 1983-1988
- Member, ABA Section of Litigation, Task Force on Ancillary Business, 1987-1991.
- Member, American Law Institute, 1989-present
- Special Adviser to ALI Restatement of the Law Governing Lawyers 1988-2000
- Member, Board of Editors, ABA/BNA Manual on Lawyers' Professional Conduct 1988-1991
- Member, Philadelphia Bar Association Professional Responsibility Committee, 1978-present
- Member, House of Delegates, Pennsylvania Bar Association 1988-1991, 1992-2006.
- Member, Board of Editors, CPR Alternatives 1991-present
- Member, ABA Section of Litigation, Legal Services Project, 1997-present.
- Ide Commission (2006-2010)
- ABA Death Penalty Moratorium Project (2006-2010)
- Member of the Board of Connecticut Bar Foundation, 2011-present

**Publications: Books**

- Legal Tender: A Lawyer's Guide to Professional Dilemmas, published by ABA (1995).
- *Traversing the Ethical Minefield*, by Susan Martyn and Lawrence J. Fox, published by Aspen (First Edition 2004; Second Edition 2008, Third Edition 2013).
- *Red Flags: Legal Ethics for Lawyers*, by Lawrence J. Fox and Susan R. Martyn, published by American Law Institute (First Edition 2005, Second Edition 2010, Supplement 2009).
- *The Law Governing Lawyers: National Rules, Standards, Statutes, and State Lawyer Codes*, by Susan R. Martyn, Lawrence J. Fox, W. Bradley Wendel, published by Aspen (2006-2007 Edition, 2007-2008 Edition, 2008-2009 Edition, 2009-2010 Edition, 2010-2011 Edition, 2011-2012 Edition, 2012-2013 Edition, 2013-2014 Edition, 2014-2015 Edition, 2015-2016 Edition).
- *Your Lawyer, A User's Guide*, by Lawrence J. Fox and Susan R. Martyn, published by Lexis Nexis (2006).
- *Raise the Bar: Real World Solutions for a Troubled Profession*, edited by Lawrence J. Fox, published by ABA (2007).
- *How to Deal with Your Lawyer: Answers to Commonly Asked Questions*, by Lawrence J. Fox and Susan R. Martyn, published by Oxford University Press – Oceana (2008).
- *The Ethics of Representing Organizations: Legal Fictions for Clients*, by Lawrence J. Fox and Susan R. Martyn, published by Oxford University Press (2009).

- *A Century of Legal Ethics*, edited by Lawrence J. Fox, Susan R. Martyn and Andrew S. Polis, published by ABA (2009).

**Publications: Book Chapters**

- "Accounting Experts" in *Expert Witnesses*, edited by Faust Rossi, published by ABA (1991).
- "The Law of the Third Circuit" in *Sanctions*, published by ABA (1991).
- "The Special Litigation Committee Investigation: No Undertaking for the Faint of Heart," edited by Brad D. Brian and Barry F. McNeil, published by ABA (1992) (rev'd 2002).
- "The Last Thing Dispute Resolution Needs Is Two Sets of Lawyers for Each Party," edited by Russ Bleemer, published by CPR Institute for Dispute Resolution and Alternatives (January 2001).
- "Mediation Values and Lawyer Ethics: For the Ethical Lawyer the Latter Trumps the Former," *Dispute Resolution Ethics, A Comprehensive Guide*, edited by Phyllis Bernard and Bryant Garth, published by ABA (2002).
- "The Academics Have It Wrong: Hysteria Is No Substitute for Sound Public Policy," *ENRON Corporate Fiascos and Their Implications*, edited by Nancy B. Rapoport and Bala G. Dharan, published by Foundation Press (2004).
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- "The ABA's Role in Writing Ethics Rules: A Sacred Trust," *A Century of Legal Ethics*, edited by Lawrence J. Fox, Susan R. Martyn and Andrew S. Polis, published by ABA (2009).
- "Professional Responsibility, Civility and Judicial Conduct," in *Military Court Rules of the United States* (2010 National Institute of Military Justice).

**Publications: Articles**

- "Waivers of Future Conflicts of Interest: A Blessing Or A Nightmare?" and "Issue Conflicts: Genuine Ethical Dilemmas Or Problems Of Public Relations" published by Securities Regulation Institute (1989).
- "CB&H Announces New Public Service Initiative," The Pennsylvania Lawyer (March 1991).
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- “Commentary—Loyalty by Contract: A Sad Reflection on Lawyer Ethics,” The Professional Lawyer, Volume 22, Number 3, 2014.
- “Block That Commission: The Ethics Violations in Lawyers Selling Ancillary Services to Clients,” Practical Ethics Opinion, NAELA News, Jul/Aug/Sept 2016.
- “Monroe Freedman’s Contributions to Lawyers: Engagement, Energy, and Ethics, co-authored with Susan R. Martyn, Hofstra Law Review, Volume 44, Issue 3, Spring 2016.

#### **Professional Appearances**

- “Ethical Problems in Counseling,” University of California, San Diego, Securities Regulation Institute, January, 1989.
- “Money Isn’t Everything But It May Help: Settling Class Actions,” ABA Annual Meeting, August, 1989.
- “ALI Restatement of Law Governing Lawyers,” ABA Section of Litigation, January, 1990.



- “Ancillary Business, Pro and Con,” ABA Division of Professional Liability, May, 1990.
- Hearing on Ancillary Business Proposed Rules, ABA Standing Committee on Ethics and Professional Responsibility, February, 1991.
- National Association of Law Firm Marketing, Ancillary Services Debate, April, 1991.
- “The Legal Profession v. The Legal Business,” Philadelphia Bar Association, 1991.
- “Doing Business with Clients: The Practice and Professional Implications,” American Bar Association, August, 1991.
- “Lawyers and Their Liabilities in the 1990’s,” ABA Standing Committee on Lawyers’ Professional Liability, Santa Fe, New Mexico, September, 1991.
- “Lawyer Dissatisfaction, A View From The Bottom,” Philadelphia Bar Association Bench-Bar Conference, November, 1991.
- Pennsylvania Bar Association, “Quality of Life for the Young Lawyer: A Forum”, February, 1992.
- “An Introduction: The Legal Profession and Professional Responsibility,” Rutgers University School of Law, Camden, February, 1992.
- “Let’s Make A Deal: The Ethics of Negotiations,” ABA 18<sup>th</sup> National Conference on Professional Responsibility, June, 1992.
- ABA Presidential Showcase Program, “Lawyers Serving on Clients’ Boards/Financial Transactions with Clients: Merit or Mistake,” ABA Annual Meeting, August, 1992.
- “After Kaye, Scholer Can We Still Represent our Clients Effectively?,” ABA Litigation Section Fall Council Meeting, Pebble Beach, California, September, 1992.
- “Professionalism and Service: The Practical Side of Ethics Beyond the Code,” ABA Annual Meeting, Phoenix, Arizona, November, 1992.
- “Ethical Concerns in Today’s Practice,” Pennsylvania Bar Institute, December, 1992.
- “Evolving Responsibilities and Liabilities of Counsel and Accountants,” Twentieth Annual San Diego Securities Regulation Institute, January, 1993.
- “Ethics and Litigation Management: Your Road Map to the Minefield,” Fourth Annual Litigation Management Supercourse, New York, New York, March 1993.
- “In-House - Outside Counsel Forum: In-House and Outside Counsel Square Off,” Fourth Annual Litigation Management Supercourse, New York, New York, March 1993.
- “The Woman Advocate,” Conference on the Woman Advocate, ABA Section of Litigation and Prentice Hall Law & Business, New York, March 1993.
- “Regulatory Residue: The Fallout from Kaye Scholer,” 19<sup>th</sup> National Conference on Professional Responsibility, Chicago, Illinois, May 1993.
- Ethics Seminar, Aetna Institute, May, 1993.
- “Death Penalty Appeals: The End of Fairness,” ABA Spring Council/Committee Chairs Meeting, Santa Fe, NM, June, 1993.
- “ABA Working Group Report on Lawyers’ Representation Of Regulated Clients: 18 Months After OTS v. Kaye, Scholer,” ABA Annual Meeting, New York, New York, August, 1993.
- “Blowing The Whistle: Should Regulatory Lawyers Be Required To Sound The Alarm: The Kaye, Scholer Story,” Business Law Forum, Temple University School of Law, Fall 1993 Lecture Series.

- “Ethics of Negotiations,” Berks County Bench-Bar Conference, Hershey, PA, October, 1993.
- “Ethics, Responsibility and ADR,” Dispute Resolution Alternatives Supercourse, Practicing Law Institute, New York, October 1993
- “Don’t Throw the Baby Out with the Bath Water - How Much Management Is Too Much Management... How Inside and Outside Counsel Must Communicate to Achieve the Proper Balance, A Litigator’s TQM Survival Kit,” The District of Columbia Bar/George Washington University, National Law Center CLE Program, Washington, DC, October 1993.
- “Representing Economic Competitors - Maritrans Revisited,” Pennsylvania Bar Institute, Baltimore, Maryland, November, 1993.
- National ADR Institute for Federal Judges, Harvard Law School, Cambridge, Massachusetts, November, 1993.
- Conference on Ethical Problems in Representing the Elderly, Fordham University, New York, December, 1993.
- “Legal Ethics for the Corporate Counselor,” ABA Committee on Corporate Counsel, February, 1994.
- “Revolutionary Changes in Practice under the New Federal Rules of Civil Procedure,” ABA/Prentice Hall Law and Business, New York City, February 1994.
- “Lawyers at Risk: Lessons from the Savings and Loan Crisis,” University of Pennsylvania Center on Professionalism, February, 1994.
- “Ethical Issues in Corporate Representation: ‘The Seaside Resort’ Case Study,” University of Pennsylvania Center on Professionalism, March 1994.
- “Should the Legal Profession Adopt Stricter Controls on Lawyer Advertising?,” The State University of New Jersey at Rutgers, March 1994.
- “Legal Ethics and the Rule of Law,” The Federalist Society, Philadelphia, Pa., March, 1994.
- “Rule 26: A Trap for the Wary,” Eighteenth Annual United States Judicial Conference for the District of New Jersey, April 1994.
- The Woman Advocate Conference, ABA and Prentice Hall, New York, April 1994.
- “Are the Model Rules Out of Date in the Modern Regulatory State?,” Keck Foundation Fellow, Duke University, April 20, 1994.
- “Emerging Issues in Professional Responsibility and Malpractice,” ABA Satellite Seminar, June, 1994.
- “Strange Bedfellows: Law Firm and Corporate Counsel: Can This Partnership Be Saved?,” Business Law Section and CLE Committee of The Florida Bar, June, 1994.
- “Pre-Trial Practice in the 90s and Coping with New Rules of Civil Procedure and the Civil Justice Reform Act,” ABA Annual Meeting, New Orleans, August 1994.
- “The Receipt of Inadvertent Transmissions,” Philadelphia Bar Education Center, December, 1994.
- Professional Responsibility Issues, Twenty-Second Annual Securities Regulation Institute, Hotel del Coronado, Coronado, California, January, 1995.
- “Different Strokes for Different Folks: Methods for Handling Corporate Litigation,” 13<sup>th</sup> Annual Mid-Winter Meeting, American Bar Association, Boca Raton, FL, February 1995.

- “Redefining Client Service: The Legal Tech Evolution,” Philadelphia Bar Association, April 6, 1995.
- “Prospects and Likely Impact of Dodd-Domenici Legislation,” ABA Annual Spring Meeting, San Antonio, Texas, March, 1995.
- The Woman Advocate Conference, ABA and Aspen Law and Business, San Francisco, April 1995.
- Hot Topics for Corporate Counsel, “Ethics and the Corporate Counselor: Recurring Ethical Tough Calls,” The Corporate Counsel Committee of the ABA Section of Litigation and the ABA Center of Continuing Education, May 11-12, 1995, Atlanta, GA.
- Media Law Roundtable, “Access Leads to Understanding - Understanding Leads to Access,” ABA Section of Litigation and the National Conference of Lawyers and Representatives of the Media, May 19, 1995, Washington, DC
- “Revolutionary New Changes in Civil Practice in the Federal Trial Courts,” New York, May 22, 1995.
- “Contingency Fees: Is One Third of a Loaf Better Than None?,” 21<sup>st</sup> National Conference on Professional Responsibility, San Diego, California, June 1-3, 1995.
- The Woman Advocate Conference, ABA and Aspen Law and Business, New York, June, 1995.
- “Securities Litigation Reform,” Philadelphia Bar Education Center, October 11, 1995.
- “Discovery Abuse,” Cornell Law School, October 25, 1995.
- “Practical Issues in the Practice of Environmental Law,” Philadelphia Bar Association, November 1995.
- “The Six Most Frequently Asked Questions,” Philadelphia Bar Education Center, December 15, 1995.
- Securities Regulation and Business Law Problems, Dallas, Texas, February 1996.
- “Legal Ethics: The Core Issues,” Hofstra University School of Law, March, 10-12, 1996.
- Chief Justice’s Ethics Seminar, Deer Valley, Park City, Utah, March 15, 1996.
- “Ethical Considerations of Representing Corporate Clients and Their Affiliates,” Western Pennsylvania Chapter of the American Corporate Counsel Association, April 1, 1996.
- “Business Lawyers Under Fire, Liability and Ethical Risk Facing In-House and Outside Counsel,” ALI/ABA Satellite Program, April 2, 1996.
- “Taking Care of Each Other,” The Dickinson School of Law Senior Speaker Series Dinner, April 23, 1996.
- Third Annual Conference on Women in the Profession: “Unraveling the Mystery of Ethics,” Pennsylvania Bar Institute, May, 1996.
- “Restatement of the Law Governing Lawyers: Its Effect on Lawyer Discipline,” 22<sup>nd</sup> National Conference on Professional Responsibility, American Bar Association, June 1, 1996.
- “Improving the Profession,” American Corporate Counsel Leadership Summit, June, 1996.
- “Lawyer as Director of A For-Profit Corporation,” Philadelphia Bar Education Center, July 1996.

- “Lawyers Serving on Boards of Directors of Their Clients,” ABA Annual Meeting, Orlando, Florida, August, 1996.
- “Ethics for Transactional Lawyers,” Philadelphia Bar Education Center, September 9, 1996.
- “Ethical Issues for Corporate Counsel,” The Price Waterhouse General Counsel Forum, September 19, 1996.
- “Testing the Ethical Limits: Should We Resurrect the Appearance of Impropriety,” Yale Law School, October 8, 1996 and ABA Committee on Corporate Counsel, 1996 Northeast Regional Workshop, November 7, 1996.
- “Advertising, Solicitation and Professionalism—Do’s and Don’ts,” December Bench-Bar, Philadelphia Bar Association, December 3, 1996.
- “Recent Developments in Legal Ethics,” 15<sup>th</sup> Annual Corporate Counsel Institute, December, 1996.
- “Conflicts of Interest in Corporate Transactions: The Leveraged Buyout of the Harris Chemical Company,” Rhodes College Institute on the Profession of Law, January, 1997.
- 1997 Lawyers’ Conference, PNC, February 12, 1997.
- “Litigators Under Fire,” ALI-ABA Satellite Program, April 3, 1996.
- Third Annual Chief Justice’s Ethics Symposium, “Lawyer/Client Conflicts You Never Knew You Had,” April, 1997.
- Regulation of “Pay to Play”: By Whom? For What? How Far?, Business Law Section, American Bar Association, Spring Meeting April 1997.
- National Association of Bond Lawyers’ Washington Seminar, May 1997.
- “Seeking Common Ground II:” A Continuing Dialogue Between General Counsel and the American Bar Association Second Annual Conference on Corporate Counsel Issues, Ethics for In-house Counsel Washington, DC, May, 1997.
- “The Model Rules of Professional Conduct: Have We Lost our Professional Values?,” 23<sup>rd</sup> National Conference on Professional Responsibility, Naples, FL, May, 1997.
- “Building Strategies for Better Corporate Client Services, 1997 Legal Leadership Summit, Dallas, TX, June, 1997.
- Keynote Address: “An Informal Conference on Relationships Between Judges and Lawyers,” Maine Bench Bar Conference, June, 1997.
- “The Global Economy - Implications for Law and Legal Practice, Presidential Showcase Joint Program, ABA Annual Meeting, August 1997.
- “The Lawyer as Director of a Client,” ABA Annual Meeting, August 1997.
- “Lawyers Serving on their Clients’ Board: How to Avoid an Accident Waiting to Happen,” ABA Annual Meeting, August 1997.
- “Pathways to Leadership: A Primer for Women and Men,” ABA Annual Meeting, August 1997.
- “Ethics Issues for Transactional Lawyers,” Philadelphia Bar Association Transact Conference, September 19, 1997.
- “A Debate: The Role of the American Bar Association, The Federalist Society for Law & Public Policy Studies,” September 22, 1997.
- “Professional Issues in Complex Litigation,” Seventh Circuit Judicial Conference and Seventh Circuit Bar Association Annual Meeting, September, 1997.

- “Resolving Litigation’s Civil Wars: Negotiating a Ceasefire Among Plaintiff Lawyers, Defense Lawyers, and Judges,” Institute of Continuing Legal Education in Georgia, October 10, 1997.
- “Mastering Time, Costs, Information & Technology, American Corporate Counsel Association’s 1997 Annual Meeting, San Francisco, CA, October 22-24, 1997.
- “Dialogue on Professional Dilemmas,” American Bar Association, Section of Litigation, October 25, 1997.
- “Ethics,” Environmental Law Institute 1997 “Boot Camp” Course on Environmental Law, November 1997.
- “Corporate Compliance, Ethics and Preventive Law,” Price Waterhouse General Counsel Forum, November 20, 1997.
- “Professionalism in Practice,” University South Carolina Law School, South Carolina Bar CLE Division, November 21, 1997.
- “Tangled Loyalties: Conflicts of Interest in the Real World,” Fellows of the American Bar Foundation Annual Meeting, January 31, 1998.
- “Litigation Management Toolbox for the 21<sup>st</sup> Century,” ACCA Legal Leadership Summit, February, 1998.
- “The Future of Legal Services,” The First Annual Arthur Liman Colloquium, March 5, 1998.
- “Professionalism in Class Action and Mass Tort Litigation,” Sixth Annual Alvin B. Rubin Federal Symposium, New Orleans, April 2, 1998.
- “Conflicts of Interest in a Deregulated World,” Edison Electric Institute, Spring Legal Conference, St. Pete Beach, FL, April, 1998.
- Legal Ethics: Access to Justice “Another Look at Corporate Family Conflicts,” Hofstra 1998 Legal Ethics Conference, April 5-7, 1998.
- “Litigators Under Fire,” ALI-ABA Satellite Program, April 9, 1998.
- “Legal Ethics in an Online World,” Managing the Legal Risks of E-Commerce: Practical Legal Strategies, The Computer Law Association, April 16, 1998.
- “The Brave New World of Lawyers’ Ethics,” Twenty Fifth Annual Disciplinary Conference of the District of Columbia, April 21, 1998.
- “Multidisciplinary Partnerships: Accounting Firms and the Practice of Law,” ABA 24<sup>th</sup> National Conference on Professional Responsibility, May, 1998.
- “Dual Professions,” 1998 Masters Seminar on Ethics, Florida Bar CLE Committee and the Professional Ethics Committee, June 1998.
- Who Shall Live and Who Shall Die, Death Penalty Focus, June 3, 1998.
- Keynote Address, Virginia State Bar Disciplinary Conference, July 21, 1998.
- “The Eroding Borders Between Law and Accounting: Look Who’s Eating Your Lunch,” ABA 1998 Annual Meeting in Toronto, Ontario, August 3, 1998.
- “The ALI and Its New Projects,” ABA 1998 Annual Meeting in Toronto, Ontario, August of 1998.
- “Ethics in the 21<sup>st</sup> Century,” ABA Product Liability Seminar in Phoenix, Arizona, October 3, 1998.
- The Atlanta Bar Association, The “Presidential Showcase” CLE Program: The Millennial Lawyer in the 21<sup>st</sup> Century, “The Practice in the 21<sup>st</sup> Century”, October 15, 1998.



- Association of American Law Schools, Workshop on Professional Responsibility, "The Ethics Professors: Enablers or High Priests," October 16, 1998.
- "Ethics in Environmental Law" Environmental Law Institute 1998 Boot Camp, November 13, 1998.
- "Political Contributions; Freedom of Speech or Pay to Play" 4<sup>th</sup> Annual New York Public Finance Conference, November 16-17, 1998.
- "Pay to Play: How We Got Here and Where We Might Be Going". Pennsylvania Bar Institute, Current Issues in Municipal Finance, November 19, 1998.
- "Can We Revive Professionalism?," ACCA Annual Meeting, November 12, 1998.
- "Death Penalty Representation," University of Pennsylvania Law School Public Service Form, November 17, 1998.
- "Ethical Problems for In-House Counsel," Western Pennsylvania Chapter American Corporate Counsel Association, December 2, 1998.
- "Roundtable on Ethics," Western Pennsylvania Chapter of the American Corporate Counsel Association, December 7, 1998.
- "Professional Responsibility for Intellectual Property Practitioners," Patent & Trademark Office Day, December 9, 1998.
- "Cross-Examination," an ABA Section of Litigation Teleconference, December 15, 1998.
- "Ethics: Negotiating in Cyberspace," Practising Law Institute 19<sup>th</sup> Annual Institute on Computer Law, March, 1999.
- "Preserving Professional Independence," ABA Winter Council Meeting, Aspen, CO, January, 1999.
- "What Firms Want and Need to Know About Representing a Death Row Prisoner," ABA Winter Council Meeting, Aspen, CO, January, 1999.
- "The Accountants are Coming! The Accountants are Coming! Ethical Dilemmas Facing Lawyers Practicing at CPA Firms," Los Angeles County Bar Taxation Section, Los Angeles County Bar Association, February 1999.
- "Florida Should Oppose Lawyers Working for Non-Lawyers," Florida All Bar Conference, February, 1999.
- "Ethical and Practical Challenges in Compliance Programs," Edison Electric Institute 1999 Spring Legal Conference, Charleston, S.C. April 1999.
- "Traversing the Ethical Minefield," ABA Section of Litigation Annual Meeting, April, 1999.
- "Is a Whole Generation Getting the Wrong Message on Ethics," ABA Section of Litigation Annual Meeting, April 1999.
- "Ethics for the In-House Lawyer," ACCA, April 22, 1999.
- "Ethical Dilemmas in the Triangular Relationship," Insurance Practice Institute, April 1999.
- "Intrusion Into the Profession," Pennsylvania Bar Association Annual Meeting, May 5, 1999.
- "The Challenge of Multidisciplinary Practice," New Jersey State Bar Association Annual Meeting, May 14, 1999.
- "Should the ABA Abolish Rule 5.4?," debate with John Aldock, ABA Section of Litigation, Cancun, Mexico, June 19, 1999.

- “Race in Your Case,” National Conference for Minority Lawyers, ABA Section of Litigation, June 23, 1999.
- “Ethics 2000: Professional Responsibility in the New Millennium,” 1999 Annual State Bar of Arizona Convention, June 25, 1999.
- “Intrusion Into the Profession or the Future of Law Practice? Multi-Disciplinary Practice,” PBI-PBEC Education Center, Philadelphia, September 24, 1999.
- “MDP: Should In-House Counsel Care?,” Corporate Counsel Committee of Business Law Section of the ABA, San Diego, October 25, 1999.
- “Multi-Disciplinary Practices, Ethics, and the Future of the Legal Profession,” Cornell Law School, October 27, 1999.
- “Pro & Con: Should the PA Bar Embrace MDP?,” PA House of Delegates, October 29, 1999.
- “New Roles, No Rules? Redefining Lawyers’ Work,” The Phyllis W. Beck Chair In Law Symposium, Temple University Beasley School of Law, November 12, 1999.
- “Current Issues In Professional Responsibility,” First Year Professional Responsibility Lecture Series, Yale, December 1, 1999.
- “Multidisciplinary Practice, What it is and What it Means to the Vermont Practitioner,” Vermont Bar Association, Young Lawyers Section, January 14, 2000.
- “Symposium on Multidisciplinary Practice,” University of Minnesota Law School, Minnesota L. Rev., February 24-25, 2000.
- “Modifications to the ABA Model Rules of Professional Responsibility and Application to Environmental Practice,” American Bar Association Section of Environment, Energy, and Resources’ Conference on Environmental Law, Keystone, Colorado, March 12, 2000.
- “The Fifth Nearly Annual Ethics CLE & Ski,” Park City Bar Association, Silver Lake Lodge, Deer Valley, Utah, March 31, 2000.
- “The Question of Multi-Disciplinary Practice: Point – Counterpoint,” National Academy of Elder Law Attorneys, Inc., Philadelphia, Pennsylvania, May 4, 2000.
- “Multidisciplinary Practice: Curse, Cure or Tempest In a Teapot,” American Intellectual Property Law Association, Pittsburgh, Pennsylvania, May 19, 2000.
- “Multi-Disciplinary Practices and Ethics 2000,” American College of Trial Lawyers Regional Meeting, Short Hills, New Jersey, May 20, 2000.
- “Excessive Legal Fees: Protecting Unsophisticated Consumers, Class Action Members, and Taxpayers/Citizens,” U.S. Chamber Institute For Legal Reform, et al., Washington, DC, May 25, 2000.
- “Ethics 2000,” Delaware Bench & Bar Conference, June 7, 2000.
- “Legal Ethics in Cross-Border Practice,” The International Law Briefing, New York, New York, June 8, 2000.
- “The Changing Practice of Law,” DC Circuit Judicial Conference, Williamsburg, Virginia, June 15, 2000.
- “MultiDisciplinary Practices (MDPs): A New Paradigm For the Delivery of Legal Services?,” 62<sup>nd</sup> Annual Meeting Virginia State Bar, Virginia Beach, Virginia, June 17, 2000.
- “May It Please The Court, I am from Arthur Price & Deloitte: MDP’s, Should Trial Lawyers Care?,” ABA Section of Litigation, New York, New York, July 8, 2000.

- “Successful Partnering Between Inside and Outside Counsel: Advice from the Experts,” ABA Section of Business Law, New York, New York, July 9, 2000.
- “The Imposition Of The Death Penalty Is ‘Fraught With Error’: Where Do We Go From Here?,” ABA Section of Litigation, New York, New York, July 10, 2000.
- “If Free Enterprise Has Its Way, Will We Still Need Rules of Professional Responsibility,” Centennial Lecture, William Mitchell College of Law, St. Paul, Minnesota, October 4, 2000.
- “ABA Call to Action: A Moratorium On Executions,” Atlanta, Georgia, October 11-12, 2000.
- “Negotiating the Ethical Minefield,” Professional Education Group, Miami, Florida, October 13, 2000.
- “All’s OK Between Consenting Adults: Enlightened Rule on Privacy; Obscene Rule on Ethics,” Howard Lichtenstein Legal Ethics Lecture, Hofstra University School of Law, October 18, 2000.
- “Ethics in the Workplace,” University of Pennsylvania, Philadelphia, Pennsylvania, October 25, 2000.
- “Ethical Issues in Corporate Practice Today; Compensation and Acquisitions,” Corporate Governance Institute, Washington, DC, November 9, 2000.
- “Ethics in Environmental Law,” Environmental Law Institute’s Ninth Annual Boot Camp Course, Georgetown University, Washington, DC, November 13, 2000.
- “Proposed Revisions to the American Bar Association Model Rules,” The Federal Council & Foundation, Princeton, New Jersey, November 18, 2000.
- “ABA Ethics 2000: What’s New in the Proposed Model Rules,” Louisiana State Bar Association, New Orleans, Louisiana, December 1, 2000.
- “Teleconference on Ethics,” National Association of Bond Lawyers, Washington, DC, December 6, 2000.
- “Multi-Disciplinary Practice and the Fiduciary Lawyer,” Pennsylvania Bar Institute, Philadelphia, Pennsylvania, December 12, 2000.
- “Multidisciplinary Practice: What it is and What it Means for Vermont Practitioners,” Young Lawyers Section of the Vermont Bar Association, Montreal, Quebec, January 14, 2001.
- “Conference on Attorney Conduct Rules,” Administrative Office of the United States Courts, Washington, DC, January 16, 2001.
- “Multidisciplinary Practices & Healthcare,” American Bar Association, Health Law Section, Orlando, Florida, February 9, 2001.
- “The Death Penalty: A Bar Leadership Issue,” National Conference of Bar Presidents, ABA Midyear Meeting, San Diego, California, February 17, 2001.
- Ethics 2000 Presentation: “What Every Lawyer Should Know About Ethics 2000 – Highlights of the Proposed Changes to the ABA Model Rules of Professional Conduct,” Center for Professional Responsibility, ABA Midyear Meeting, February 18, 2001.
- “Ethics 2000: The Proposed Rules and Your Practice,” American College of Trial Lawyers Spring Meeting, Boca Raton, Florida, March 30, 2001.



- “The American Bar Association’s Ethics 2000 Commission: A Review of Proposed Changes in the ABA’s Model Rules of Professional Conduct,” The Board on Professional Responsibility, District Columbia Court of Appeals, Washington, DC, April 18, 2001.
- “The Role of Honesty in the ABA Ethics 2000 Report,” The Fellows of the Wisconsin Law Foundation Symposium, Lake Geneva, Wisconsin, May 1, 2001.
- “Summer Associates’ Day’s Ethics Discussion,” Philadelphia Volunteers for the Indigent Program, Philadelphia, Pennsylvania, June 4, 2001.
- “Legal Tender: Negotiating the Ethical Minefield,” Kentucky Bar Association 2001 Annual Convention, Lexington, Kentucky, June 13, 2001.
- “Ethical Issues in Public Interest Law,” 9<sup>th</sup> Annual Public Interest Law Day, Pennsylvania Bar Institute, Philadelphia, Pennsylvania, June 21, 2001.
- “Costs & Funding Forum,” Personal Injuries Bar Association, Annual Conference 2001, St. Catherine’s College, Oxford, June 30, 2001.
- “Ethics 2001: Are you ready for the challenge?,” American Law Institute-American Bar Association Committee on Continuing Professional Education, Washington, DC, July 24, 2001.
- “Death Penalty Program,” American Bar Association Annual Meeting, Chicago, Illinois, August 5, 2001.
- “Ethics 2000: Should Litigators Care? Should Clients Care?,” American Bar Association Annual Meeting, Chicago, Illinois, August 5, 2001.
- “Ethical Dilemmas for Capital Post-Conviction Counsel,” National Federal Habeas Corpus Seminar, Nashville, Tennessee, August 10, 2001.
- “Forget About Conflicts – If Citibar Has Its Way, We Can Have Just One Big Law Firm,” Hofstra University School of Law, The 2001 Legal Ethics Conference, Legal Ethics: What Needs Fixing?, Hempstead, NY, September 10, 2001.
- “Trial Evidence in the Federal Courts: Problems and Solutions,” American Law Institute-American Bar Association Committee On Continuing Professional Education, Philadelphia, PA, October 5, 2001.
- “Ethics and Professionalism,” Pennsylvania Bar Institute, Philadelphia, PA, October 11, 2001.
- Vermont Bar Association Seminar, Burlington, Vermont, November 8, 2001.
- “Ethics in Capital Defense,” Ninth Annual Capital Defense Workshop, The Virginia Bar Association, Richmond, VA, November 15-16, 2001.
- “Litigation Ethics,” Section of Litigation and Young Lawyers Division, ABA Mid-year Meeting, Philadelphia, PA, February 2, 2002.
- Ethics Round Table, 2002 Winter Federal Bench Bar Council Conference, Puerto Rico, February 16, 2002.
- “The Future Structure and Regulation of the Law Practice,” University of Arizona, James E. Rogers College of Law, Tucson, Arizona, February 22-23, 2002.
- “Litigation in a Free Society,” Institute for Law & Economic Policy, Hollywood, Florida, March 15-16, 2002.
- “The Ethics 2000 Commission: The Adversary System and the Lawyer-Client Relationship,” University of Tennessee College of Law’s Center for Advocacy Dispute Resolution, Knoxville, Tennessee, April 4, 2002.

- “Ethics 2000 and Beyond: Reform or Professional Responsibility as Usual,” Law Review Symposium sponsored by University of Illinois at Urbana-Champaign, Champaign, Illinois, April 5, 2002.
- “The Intersection of Lawyer Ethics and the Death Penalty,” Yale Law School, April 8, 2002.
- “Ethics and Enron,” 22<sup>nd</sup> Annual Ray Garrett, Jr., Corporate and Securities Law Institute, Northwestern University School of Law, Chicago, Illinois, April 12, 2002.
- “Planning for Disaster,” PBI-CLE, Philadelphia, PA, April 22, 2002.
- “Ethical Issues in Corporate Practice Today,” ALI-ABA Ninth Annual Corporate Governance Institute, Boston, MA, May 10, 2002.
- “Ethics Issues for the IP Practitioner,” Philadelphia Intellectual Property Law Association, Philadelphia, PA, May 16, 2002.
- “Legal Tender,” New Jersey Bar Association, Mt. Laurel, NJ, May 18, 2002.
- “Legal Tender,” New Jersey Bar Association, Atlantic City, NJ, May 22, 2002.
- “Ethical Issues In Public Interest Practice,” 10<sup>th</sup> Annual Public Interest Law Day, Philadelphia, PA, June 7, 2002.
- “Ethics for In-house Counsel,” IBM, Armonk, NY, June 11, 2002.
- “Legal Tender,” Louisville Bar Association, Louisville, KY, June 25, 2002.
- “The Fallout from Enron,” ABA Section of Litigation, Banff, Alberta, Canada, June 22, 2002.
- “How to Improve the System of Justice through CLE,” Association for Continuing Legal Education, Montreal, Canada, July 28, 2002.
- “Enron and its Aftermath,” St. John’s University School of Law, Jamaica, NY, September 20, 2002.
- “The Attorney-Client Privilege,” PBI Workshop, Philadelphia, PA, October 16, 2002.
- “The Ethics of Litigation,” South Texas L. Rev. Annual Ethics Symposium, Houston, TX, October 18, 2002.
- “Handling Professional Dilemmas,” Maine Bar Association, Portland, ME, November 7, 2002.
- “Problems in Discovery and Professionalism,” University of Georgia School of Law, Athens, Georgia, November 15, 2002.
- “The Role of the Corporate Attorney after Enron and the Sarbanes-Oxley Act,” Fordham Center for Corporate, Securities and Financial Law, Fordham University School of Law, New York, NY, November 22, 2002.
- “Lawyer Regulation After Enron,” Association of American Law Schools, Washington, DC, January 5, 2003.
- “A Matter of Corporate Responsibility: Where Are We Going From Here?,” New York State Bar Association, New York, NY, January 22, 2003.
- “Ethics and Professionalism on the Big Screen,” New York State Bar Association, New York, NY, January 23, 2003.
- “Trial Evidence in the Federal Courts,” ALI-ABA, Coral Gables, FL, January 30, 2003.
- “Did Enron Create a Need for New Regulation of Lawyers?,” Univ. of Houston, Houston, TX, February 3, 2003.

- “Bar Summit On Corporate Responsibility,” (Sarbanes-Oxley panel) Association of the Federal Bar of the State of New Jersey 27<sup>th</sup> Annual United States District Court Judicial Conference, West Orange, NJ, March 6, 2003.
- “Legal Tender,” The State Bar of New Mexico, Albuquerque, NM, March 13, 2003; Santa Fe, NM, March 14, 2003.
- “Insight for Inspired Practice: Dispute Resolution Ethics,” ABA Section of Dispute Resolution, San Antonio, TX, March 21, 2003.
- “Ethics Issues in Dispute Resolution,” 2003 Petroleum Marketing Attorneys’ Meeting, Washington, DC, April 1, 2003.
- “The Brave New World of Lawyers’ Ethics: Revised Rules and Bold Challenges,” ALI-ABA Video Law Review, Washington, DC, April 4, 2003.
- “Ethics in the Media: The Ever-Growing Thirst for Information,” ABA Litigation Section, New York, NY, June 5, 2003.
- “The Death Penalty: Race, Representation and Reform,” ABA National Conference for the Minority Lawyer, Philadelphia, PA, June 5, 2003.
- “Corporate Governance After Sarbanes-Oxley,” ALI-ABA Tenth Annual Corporate Governance Institute, Philadelphia, PA, June 6, 2003.
- “Legal Issues in a New World,” Eighth Circuit Judicial Conference, Minneapolis, MN, July 17, 2003.
- “Judging Judges’ Ethics,” Hofstra University School of Law, Hempstead, NY, September 15, 2003.
- “You’ve Finished the Internal Investigation – Now What?,” Association of General Counsel Fall Meeting, Washington, DC, October 10, 2003.
- “Settlement Strategies and Ethics,” ABA-CLE TeleConference and Audio Webcast, October 14, 2003.
- “Strengthening the Guiding Hand of Counsel: Reforming Capital Defense Systems,” Hofstra University School of Law, Hempstead, Long Island, NY, October 24, 2003.
- “Ethics and Professional Liability,” American Board of Professional Liability Attorneys Convention, Philadelphia, PA, October 25, 2003.
- “Ethics in Environmental Law,” Environmental Law Institute’s Twelfth Annual Boot Camp Course, Georgetown University, Washington, DC, November 11, 2003.
- “Federalism & The Regulation of Attorneys,” The Federalist Society, Washington, DC, November 15, 2003.
- “Advocacy & Ethics,” ALI-ABA, Scottsdale, AZ, December 4-5, 2003.
- “Can Client Confidentiality Survive Enron, Arthur Andersen and the ABA?,” Stetson University College of Law, Tampa, FL, January 28-30, 2004.
- “Supreme Court Judicial Recusals,” The Federalist Society for Law and Public Policy Studies, Washington, DC, April 6, 2004.
- “Liars and the Lying Lawyers and Clients Who Tell Them,” ABA Section of Litigation Annual Meeting, Scottsdale, AZ, May 6, 2004.
- “Beating the Rap: How to Protect Your Clients (and Yourself) from the Exposure of Criminal Violations in Bankruptcy Cases,” Eastern District of Pennsylvania Bankruptcy Conference, Philadelphia, PA, May 17, 2004.
- “Lawyers’ Ethical Challenges in the Office, Boardroom, and Beyond,” ALI-ABA Video Law Review, Washington, DC, June 25, 2004.
- “Negotiation, Ethics & Mandatory Disclosures,” Atlanta, GA, August 7, 2004.

- “The Decline of Confidentiality for the Corporate Attorney,” Philadelphia, PA, August 25, 2004.
- “Ethics & Marketing – Learn How to Comply When You Communicate,” Philadelphia, PA, September 22, 2004.
- “New Rules of Professional Conduct,” Philadelphia Bar Association, Philadelphia, PA, September 29, 2004.
- “Negotiating the Ethical Minefield,” Professional Education Group, Cary, NC, September 30, 2004.
- “Ethics of Contingent Fees,” ABA Tort Insurance Practice Fall Council Meeting, Rockport, ME, October 8, 2004.
- “Ethics and the Law,” CNL Leadership Forum on Integrity, Philadelphia, PA, October 25, 2004.
- “Private Equity and Venture Capital Financing,” Philadelphia, PA, November 10, 2004.
- “Ethics in Environmental Law,” Environmental Law Institute’s Thirteenth Annual Boot Camp Course, Georgetown University, Washington, DC, November 11, 2004.
- “Amendments to Pennsylvania Rules of Professional Conduct,” Philadelphia Association of Defense Counsel, Philadelphia, PA, November 16, 2004.
- “Corporate Governance After Sarbanes-Oxley,” ALI-ABA Corporate Governance Institute, Washington, DC, December 3, 2004.
- “Eastern District of Pennsylvania Bankruptcy Conference,” 16<sup>th</sup> Annual Forum, Plainsboro, NJ, January 29, 2005.”
- “Valuation of Intellectual Property for Litigation, Business and Tax Purposes,” Philadelphia Bar Institute, Philadelphia, PA, March 4, 2005.
- “Erosion of the Attorney-Client Privilege,” Atlantic Legal Foundation, Washington, DC, March 10, 2005.
- “The New Pennsylvania Rules of Professional Conduct: What Do They Mean for Health Lawyers?”, PBI – Annual Health Law Institute, Philadelphia, PA, March 15, 2005.
- “Professional Challenges in Large Firm Practices,” Fordham University School of Law, New York, NY, April 15, 2005.
- “Death of Confidentiality: Not on Our Watch,” Louisville, KY Bar Association, April 20, 2005.
- “Red Flags, Client Troubles, and the Ethics of Representation,” ALI-ABA, Washington, DC, June 3, 2005.
- “Legal Ethics in a New Millennium: New Practice, New Rules, New Visions,” AALS, Montreal, Canada, June 12-14, 2005.
- “Legal Tender – Wyoming State Bar Convention,” Professional Education Group, Inc., Casper, Wyoming, September 9, 2005.
- “The Business Lawyers Institute 2005,” Philadelphia Bar Institute, Philadelphia, PA, October 20, 2005.
- “Trial Evidence in the Federal Courts Problems and Solutions,” ALI-ABA, Chicago, IL, October 21, 2005.
- “Professional Responsibility & Risk Management Conference,” Hinshaw & Culbertson LLP, New York, NY, October 27, 2005.

- “Ethics Guidance for the Conflicted Lawyer,” ABA TIPS Aviation and Space Law Committee, Washington, DC, November 10, 2005.
- “Working Both Sides: Conflicts Arising Out of Advance Waivers Where Law Firm Attempts to Represent Both Insurers and Insureds,” ABA Section of Litigation, Insurance Coverage Litigation annual conference, Tucson, AZ, March 4, 2006.
- “Outreach Through Lawyering,” University of Pennsylvania Law School, Latin American Law Students Association, Philadelphia, PA, March 17, 2006.
- “Gandhi: Ethical Legal Practice in the Modern Era,” University of Pennsylvania Law School, South Asian Law Students Association, Philadelphia, PA, March 24, 2006.
- “ConocoPhillips Global Attorneys Meeting,” Houston, TX, April 25, 2006.
- “Strategies for Avoiding Conflicts of Interest,” Multi-Site Teleconference, May 17, 2006.
- “Ethics 2006: Accidental Clients, Red Flags, and Other Ethical Conundrums,” ALI-ABA, Washington, DC, October 13, 2006.
- “Ethics 101 Conquering Ethical Dilemmas, 2006 Fall Conference Young Lawyers Division, American Bar Association, Baltimore, MD, October 20, 2006.
- “How the Law Schools Can Help,” Rutgers Faculty Forum, Camden, NJ, November 6, 2006.
- Fourth National Seminar on Forensic Evidence and the Criminal Law, New Orleans, LA, January 20-21, 2007.
- “E-Ethics: Practical Considerations and Ethical Issues in Electronic Discovery,” 1st Annual National Institute on E-Discovery, American Bar Association, Chicago, IL, March 9, 2007.
- “Trial Evidence in the Federal Courts: Problems and Solutions,” ALI-ABA, New York, NY, March 22, 2007.
- “Enhanced Ethics & Professionalism: the Intersection of Legal and Business Concepts,” Tulane University Law School, 19<sup>th</sup> Annual Corporate Law Institute, New Orleans, LA, March 30, 2007.
- “Institutional Investor Activism: the Evolving Role of Institutional Investors in Corporate Governance and Corporate Litigation,” 13<sup>th</sup> Annual ILEP Conference, Cabo San Lucas, Mexico, April 19-20, 2007.
- “Electronic Information Storage: Ethical Considerations and Risk Issues,” Nixon Peabody, Boston, MA, April 24, 2007.
- “Conflicts of Interest: Keys to Solving Your Toughest Problems,” National Constitution Center audio conference, Philadelphia, PA, May 22, 2007.
- “Ethics for Bank Regulatory Attorneys,” CLE Program, Office of the Chief Counsel, Comptroller of the Currency, Washington, DC, June 14, 2007.
- “Litigation Quiz Show,” ABA 2007 Annual Meeting, San Francisco, CA, August 11, 2007.
- “Switch Hitting? Ethical Implications of Advance Conflict Waivers,” ABA 2007 Annual Meeting, San Francisco, CA, August 11, 2007.
- “Fourth Annual Institute on Corporate, Securities, and Related Aspects of Mergers and Acquisitions,” Co-sponsored by Penn State’s Dickinson School of Law and the New York City Bar, New York, NY, October 16, 2007.
- “Ethics Update 2007 – Accidental Clients, Red Flags, and Other Ethical Conundrums,” ALI-ABA Live Video Webcast, December 7, 2007.



- “Man the Barricades! Defend the Privilege!,” The Lou Ashe Lecture, University of the Pacific, McGeorge School of Law, Sacramento, CA, March 12, 2008.
- “Ethics for the Corporate Law Firm,” Shearman & Sterling LLP, New York, NY, March 20, 2008.
- “The Ethical Obligations of Lead Counsel,” Institute for Law and Economic Policy (ILEP) Fourteenth Annual Conference, Co-sponsored by the University of Wisconsin Law School, Naples, FL, April 11, 2008.
- “The Ethics Centennial,” ABA Litigation Section Annual Conference, Washington, DC, April 18-19, 2008.
- “Conflict of Interest – The Attorney/Client Relationship,” LexisNexis Teleconference Series, May 22, 2008.
- “The Last Days of the Philadelphia Lawyer,” Philadelphia Bar Association, Philadelphia, PA, July 1, 2008.
- NAACP Legal Defense & Educational Fund, Inc.’s 29<sup>th</sup> Annual Capital Punishment Training Conference., Warrenton, VA, July 11, 2008.
- “Confidentiality and Ethical Dilemmas in Jewish and American Law,” Gratz CLE Series, Gladwyne, PA, July 30, 2008.
- “Harnessing the Winds of Change to Bring Balance and Meaning to the Workplace,” American Bar Association Annual Meeting, New York, NY, August 9, 2008.
- “Hot Topics in the International Arena,” Chicago Bar Association, London, England, October 5, 2008.
- “Ethics Update 2008: Control, Communication, and Competence,” ALI-ABA, Philadelphia, PA, October 7, 2008.
- “Litigation Practice: Risks that Never Relent,” 2008 Large Law Firm Symposium, Chicago, IL, October 15, 2008.
- “Judicial Ethics and the Lawyer’s Role in the Process,” Philadelphia Bar Institute – Thirteenth Annual Bankruptcy Institute, Philadelphia, PA, October 16, 2008.
- Clifton Kruse, Jr. Ethics Lecture, National Academy of Elder Law Attorneys, Inc., Kansas City, MO, October 24, 2008.
- “Ethical Considerations in Internal Investigations,” Association of Corporate Counsel, Chicago, IL, October 30, 2008.
- “Leading Legal Innovation,” University of Southern California, San Diego, CA, December 12-13, 2008.
- “Federal Practice in the District of Delaware: Ethical Issues in the Practice of Law,” CLE program co-sponsored by the U.S. District Court and the Federal Bar Association, Wilmington, DE, March 11, 2009.
- “Ethical Duties in Mitigation Development,” Imagining Future Mitigation: New Science, New Ideas, Fifth National Seminar on the Development and Integration of Mitigation Evidence, Philadelphia, PA, April 17, 2009.
- “When Trouble Walks Through the Door,” ABA Litigation Section Annual Conference, Atlanta, GA, May 1, 2009.
- “Ethics in Appellate Practice,” Third Circuit Judicial Conference, Philadelphia, PA, May 6, 2009.
- “Developments in Legal Ethics 2009: Using Screens in Private Practice,” ALI-ABA, Washington, DC, May 17, 2009.

- “Ethics or No Ethics?” and “Changes and Unique Opportunities for Defenders in Today’s Economic Crisis,” 30<sup>th</sup> Annual Capital Punishment Training Conference, Warrenton, VA, July 10-11, 2009.
- “Litigation Fundamentals: Negotiations and Settlements including Ethics Issues,” ABA Teleconference/Webcast, August 20, 2009.
- “The Ethics Quiz Show: Are You Ready to Be a Player,” National Conference for the Minority Lawyer, Philadelphia, PA, September 24, 2009.
- “Ethics and Risk Management Seminar,” Milwaukee, WI, October 15, 2009.
- “Drawing the Ethical Line: Controversial Cases, Zealous Advocacy and the Public Good,” 10<sup>th</sup> Annual Legal Ethics & Professionalism Symposium, University of Georgia School of Law, Athens, GA, October 16, 2009.
- “Due Process,” 7<sup>th</sup> Constitutional Law Conclave, Pennsylvania Bar Institute, Philadelphia, PA, October 30, 2009.
- “Legal and Government-Lawyer Ethics,” ABA Senate Ethics 2010 CLE, Washington, D.C., April 8, 2010.
- “Arguing Crime/Fraud and Other Exceptions to Privilege: An Expert Demonstration,” ABA Litigation Section Meeting, New York, NY, April, 2010.
- “Ethical Pitfalls – What Every Civil Practitioner Needs to Know About Criminal Issues in Civil Litigation,” ABA Litigation Section Meeting, New York, NY, April 22, 2010.
- “The Assault on Client Loyalty: Of Prospective Waivers, Screening and Suing Your Client’s Parent,” ABA Litigation Section Meeting, New York, NY, April 22, 2010.
- “Arguing Crime Fraud and Other Exceptions to Privilege: An Expert Demonstration,” ABA Litigation Section Meeting, New York, NY, April 23, 2010.
- “Ethical Dilemmas in Representing Organizations,” Delaware State Bar Association, Wilmington, DE, April 29, 2010.
- “Multiple Clients, Multiple Headaches: Identifying and Resolving Ethical Red Flags, ALI-ABA, Washington, DC, May 16, 2010.
- National Institute on Contemporary Mediation, ABA Section of Litigation, Chicago, IL, June 10, 2010.
- “2010 Law Department Biennial Meeting,” Office of the Comptroller of the Currency Ethics CLE, Washington, DC, June 15, 2010.
- “Ethics for Litigators: Conflicts, Confidentiality and Competence,” ABA Section of Litigation Spring Leadership Meeting, Whistler, BC, June 19, 2010.
- “The Ethics of Disengagement Letters,” Best of Sound Advice, ABA Section of Litigation, Chicago, IL, June 24, 2010.
- 31st Annual Capital Punishment Training Conference, Warrenton, VA, July 9, 2010.
- “Class Action Litigation Strategies,” Practicing Law Institute, New York, NY, July 22, 2010.
- 15<sup>th</sup> Annual National Federal Habeas Corpus Seminar, Cleveland, OH, August 26, 2010.
- “ETHICS: What are the ethical implications for a capital trial attorney in a habeas proceeding?,” Ohio Capital Habeas Seminar: Litigating Ineffective Assistance of Counsel, Cleveland, OH, February 4, 2011.
- “Ethical Applications of the New Illinois Rules of Evidence,” Clifford Law Offices, Chicago, IL, February 17, 2011.

- “Ethical Considerations for Lawyers During the Financial Crisis,” Symposium on the Status of the Legal Profession: Facing the Challenges of the 21<sup>st</sup> Century, American Inns of Court, Washington, DC, April 1, 2011.
- “Traversing the Ethical Minefield: Professional Responsibility Dilemmas in the Class Action Practice,” Institute for Law & Economic Policy’s 17<sup>th</sup> Annual Symposium, “Access to Justice,” Manalapan, FL, April 8, 2011.
- “Ten Traps for the Wary,” Atlanta General Counsel Forum, Atlanta, GA, May 10, 2011.
- “Lawyers’ Websites, Blogs, and Other Social Media – Ethical Issues,” PBI Ninth Annual Nonprofit Institute, Philadelphia, PA, May 24, 2011.
- “Legal Ethics,” 2011 Law Department Biennial Meeting, Office of the Comptroller of the Currency Ethics CLE, Washington, DC, May 25, 2011.
- “Legal Ethics (Parts I and II),” CLE program for the Office of the Chief Counsel, Comptroller of the Currency, Biennial Meeting, Washington, D, May 25, 2011.
- “Reality Ethics: How to Avoid Getting Kicked Off the Island,” G. Thomas VanBebber Twelfth Annual Ethics in Litigation Forum, Earl E. O’Connor American Inn of Court, Kansas City, MO, June 16, 2011.
- “Can We Make Ethical Violations a Basis for Relief on Death Row?” Airlie Center, Warrenton, VA, July 8, 2011.
- “Expert Life After Changes to Rule 26,” American Bar Association Annual Meeting, Toronto, Canada, August 5, 2011.
- “Ethics for Defenders,” Defender Summer School 2011, Orlando, FL, August 15, 2011.
- “Legal Ethics and Criminal Law: Resolving the Practitioner’s Headaches When the Two Come Together,” Federal Criminal Practice Seminar, Cleveland, OH, August 19, 2011.
- “Life Over Death,” Florida Public Defender Association, Inc., Lake Buena Vista, FL, September 9, 2011.
- “Loyalty under Attack: The Pernicious Prospective Waiver,” ABA Lit. Sec. Ethics & Professionalism, October 18, 2011.
- “So Someone Objects To Your New Client ...,” ABA Administrative Law Conference, Washington, DC, November 17, 2011.
- “Traversing the Ethical Minefield,” CLE program for Shearman & Sterling LLP, New York, NY, December 1, 2011.
- “Larry Fox and Susan Martyn on Ethics: Accidental Clients and Lawyers in the Job Market,” ABA, Litigation Section Webinar, December 14, 2011.
- “Prosecutorial Accountability in the Post-*Connick v. Thompson* Era: Reforms and Solutions,” ABA Midyear Meeting, New Orleans, LA, February 4, 2012.
- “Ethical Issues: Who Is The Client?” PBI-CLE Protecting Our Children, Philadelphia, PA, February 27, 2012.
- “Can This Profession Be Saved?” Northern Illinois University law lecture, DeKalb, IL, March 30, 2012.
- “Legal Representation of a Nonprofit Organization: Ethical Issues for Lawyer and Client,” PBI 10<sup>th</sup> Annual Nonprofit Institute, Philadelphia, PA, May 23, 2012.
- “Capital Punishment,” NYC Bar Habeas Corpus Training Program, New York, NY, July 11, 2012.



- 33rd Annual Capital Punishment Training Conference, Airlie Center, Warrenton, VA, July 13, 2012.
- “Breakfast Ethics,” South Carolina Bar Convention, Myrtle Beach, SC, January 27, 2013.
- “Constitutional Considerations,” Annual William P. (Bill) Redick, Jr. Capital Defense Seminar, Nashville, TN March 14, 2013.
- “Current and Emerging Issues in Ethics & Professional Responsibility, CLE Panel Discussion, University of Pennsylvania Law School, Philadelphia, PA, May 10, 2013.
- “Examining the Ethical Issues of Nonprofit Financial Failure: A Case Study of *In re Lemington Home for the Aged*,” PBI 11<sup>th</sup> Annual Nonprofit Institute, Philadelphia, PA, May 22, 2013.
- “Traversing the Ethical Minefield,” Kentucky Bar Association Annual Convention, Louisville, KY, June 20, 2013.
- “Traversing the Ethical Minefield: of Biased Judges, Turncoat Lawyers, Prying Prosecutors and Dwindling Budgets,” 34th Annual Capital Punishment Training Conference, Airlie Center, Warrenton, VA, July 12, 2013.
- “For the Client or for the Lawyer?” The All New Litigation Ethics Quiz Show 2013, American Bar Association Annual Meeting, San Francisco, CA, August 8, 2013.
- “Legal Ethics in the News; ‘Beauty Contest’ and Screening,” American Law Institute CLE, Video Webcast, December 17, 2013.
- “Who are They to Judge? Ethical and Professionalism Issues Facing the Bench,” 14th Annual Georgia Symposium on Legal Ethics and Professionalism, Athens, Georgia, February 21, 2014.
- Tennessee Death Penalty Seminar 2014, Tennessee Association of Criminal Defense Lawyers, Nashville, TN, March 20, 2014.
- Eleventh National Seminar on the Development and Integration of Mitigation Evidence, Administrative Office of the U.S. Courts, *Defender Services Office, Training Division*, Philadelphia, PA, March 28, 2014.
- “Oops”: Communicating about Mistakes with Clients and Others, ABA Litigation Section Annual CLE Conference, Phoenix, AZ, April 10, 2014.
- “Nonprofit Ethics Potpourri,” PBI 12<sup>th</sup> Annual Nonprofit Institute, Philadelphia, PA, May 28, 2014.
- “Preparation vs. Perjury: Ethical Issues Involving Working with Witnesses,” Webinar sponsored by the American Bar Association, May 29, 2014.
- “2014 Mart Vogel Lecture on Professionalism and Legal Ethics,” University of North Dakota School of Law, Grand Forks, ND, June 13, 2014.
- “Ethical Jeopardy, eDiscovery Edition,” American Bar Association Annual Meeting, Boston, MA, August 8, 2014.
- “Nineteenth Annual National Federal Habeas Corpus Seminar,” Atlanta, GA, August 14, 2014.
- Keynote Address, Intercollegiate Moot Court Competition, Tufts University Law School, Boston, MA, November 15-16, 2014
- “33rd Annual Jay L. Westbrook Bankruptcy Conference,” Austin, TX, November 21, 2014.
- “Don’t Get Tangled in the Web,” American Bar Association Winter Leadership Meeting, Laguna Beach, CA, January 10, 2015.

- “Law Professors as Expert Witnesses,” Widener Law School, Wilmington, DE, April 24, 2015.
- “Ethics at the Movies,” PBI 13<sup>th</sup> Annual Nonprofit Institute, Philadelphia, PA, May 27, 2015.
- “First Judicial District Law Clerk CLE – Ethics,” Federal Courthouse, Philadelphia, PA, June 17, 2015.
- 29th Annual KACDL Conference and Criminal Defense Seminar, Louisville, KY, October 30, 2015.
- “Where Duties of Client Loyalty & Confidentiality Meet, Do Ethical Duties Collide? Joint Representations in a Single Matter Revisited,” APRL Mid-Year Meeting, San Diego, CA, February 5, 2016.
- “Should You, Not Can You? The Ethics of Profiting from Ancillary Services,” General Session 3: Kruse Lecture, Denver, CO, April 8, 2016.
- “Getting Clients, Keeping Clients—And Keeping Your Good Name, Too? Hot Topics in Practical Ethics,” American Bar Association, Section of Litigation Annual Conference, Chicago, IL, April 15, 2016.
- “Ethics for Commercial Litigators,” PBI sponsored CLE, Philadelphia, PA, May 11, 2016.
- “What Lies Ahead – Ethical Issues Facing In-house & Outside Counsel?” FDCC 13th Annual Corporate Counsel Symposium, Philadelphia, PA, September 20, 2016.
- Professional Ethics in the Appellate Process, Third Circuit Judicial Conference, April 19-21, 2017.
- Philadelphia Common Pleas Judges and Law Clerks, Judicial Ethics in a Changing World, October 12, 2017.
- NAACP Legal Defense Fund’s 2017 Civil Rights Training Institute, Ethical Dilemmas for Civil Rights Lawyer, October 14, 2017.
- “Ethics and Professionalism in the 21<sup>st</sup> Century,” Appellate Courts Conference, Pennsylvania, June 13, 2018

#### **Prior Employment**

- 1972-2017 Partner, Drinker Biddle & Reath LLP, Philadelphia, PA
- 1971-1972 Staff Attorney, Community Action for Legal Services, New York, NY
- 1969-1971 Reginald Heber Smith Community Lawyer Fellow, New York, NY
- 1968-1969 Clerk, Justice Samuel Roberts, Pennsylvania Supreme Court, Erie, PA

#### **Honors and Awards**

- Fellow, American College of Trial Lawyers
- Fellow, American Bar Foundation
- U.S. Speaker and Specialist, “Professional Ethics and Responsibility, and the Role of Standing Committees on Lawyers’ Professional Conduct,” Federal Capital Bar Association and the Professional Council of Economics, Buenos Aires, Argentina, August, 1997
- CPR/ADR Guest Lecturer: Development Lawyers Course, Institute for Law and Development, Rome, Italy, March 1997

- Keynote Address, Pennsylvania Legal Services 1996 Striving Towards Excellence Awards Banquet, Harrisburg, PA, March 12, 1997
- Keynote Address, The Georgetown Journal of Legal Ethics, Tenth Anniversary, February 7, 1997
- Baccalaureate Speaker, Dickinson Law School, April 1996
- Robert Anderson Fellow of the Yale Law School for 1996-97
- Community Legal Services “Champion” Award, April 1996
- Philadelphia Bar Education Center Excellence in Legal Education Award, July 14, 1998
- Service Above Self Award, Lamokin Village Council, December 8, 1998
- Alumni Award of Merit, University of Pennsylvania Law School, May 14, 1999
- “The Rights and Responsibilities of Legal Professionals in the United States,” U.S. State Department, The People’s Republic of China, January 11-29, 2002
- Levy Award, New York State Bar Association, Committee on Professional Ethics, New York, NY, April 23, 2003
- Wachovia Fidelity Award, December 9, 2003
- Thomas A. O’Boyle Lecturer for Academic Year 2003-2004
- William Reece Smith, Jr. Distinguished Lecturer, 2004
- American Bar Association Pro Bono Publico Award, 2005
- Michael Franck Award, 2007
- 25-Year Life Member, The American Law Institute, 2013
- Lifetime Achievement Award, *The Legal Intelligencer*, 2013
- Howard Lesnick Pro Bono Award, The Law Alumni Society, University of Pennsylvania Law School, 2013.

#### **Directorships**

- Credit Suisse Asset Management Income Fund – 1988-present
- Credit Suisse Asset Management Strategic Global Income Fund – 1988-present
- Indonesia Fund – 2000-present
- Winthrop Trust Company – 2001-2009
- The Chile Fund, Inc. – 2006-present
- The First Israel Fund, Inc. – 2006-present
- The Latin America Equity Fund, Inc. – 2006-present
- Dynasil Corporation of America – 2011-present

#### **Appearances**

- “Inside the Law, Lawyers at a Crossroads,” American Bar Association and Reliance National Production, New York, November 5, 1993
- “Inside the Law, Whatever Happened to Atticus Finch?” American Bar Association, March 12, 1996
- *CNN Crossfire*: “The Death Penalty,” February 9, 1997
- *CNN Crossfire*: “Should Federal Judges Be Impeached,” March 13, 1997
- “Inside the Law: Examining the Lawyer/Client Relationship,” Public Television Series, April 9, 1997

- *Nightline*: "Ethics regarding tobacco industry lawsuits," May 29, 1997
- Testify before Congress regarding Contingent Fees, April 30, 1997
- *Today Show*: "Attorney-Client Privilege," December 1, 1997
- *Nightline*: "Attorney Client in the Tobacco Litigation," April 22, 1998
- *Today Show*: "Attorney-Client Privilege after Death," June 8, 1998
- *Nightline*: "Should this Privilege Survive Death?" June 8, 1998
- *MSNBC*: "Contingent Fees for Tobacco Lawyers," June 9, 1998
- *CNN*: "Impeachment of the President" September 14, 1998
- *CNN: Talk Back Live*: "Disbarring the President," March 15, 2000
- *MSNBC*: "Moratorium on the Death Penalty," July 10, 2000
- *CNN*: "The Death Penalty and the Presidential Election," July 30, 2000
- *WHYY/Delaware*: "Your Lawyer: A User's Guide," July 18 and July 25, 2006
- *WHYY/Delaware*: "Legal Lesson re: Product Liability Law" (spinach/E. coli outbreak), September 19, 2006
- *MSNBC MOST*: "Could Pres. Bush Decide to Pardon Lewis "Scooter" Libby?", March 7, 2007

#### **Community Activities**

- Member of the Board of Overseers of University of Pennsylvania School of Law and Associate Trustee of the University of Pennsylvania, 1992-1999
- Member, Board of Trustees, Friends Select School, 1982-1992
- Member, Board of Trustees, Beth Zion - Beth Israel Synagogue, 1988-present
- Former National Chairman, Annual Giving, University of Pennsylvania Law School 1987-89
- Member, Board of Advisors, United Way
- Lecturer, sailing, U.S. Coast Guard Auxiliary

#### **Education**

- University of Pennsylvania, The College, B.A. 1965
- University of Pennsylvania Law School, LL.B. cum laude 1968
- Managing Editor, University of Pennsylvania Law Review

#### **Date of Birth**

July 17, 1943

#### **Home Address**

468 Amity Road  
Woodbridge, CT 06525